

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. SIKES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their own remarks on the bill just passed, and to include extraneous material.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### PERMISSION TO FILE PRIVILEGED REPORTS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file two privileged reports.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO HAVE UNTIL MIDNIGHT, NOVEMBER 27, 1974, TO FILE REPORT ON S. 4016

Mr. BRADEMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight, November 27, 1974, to file its report on S. 4016, to protect and preserve the tape recordings of conversations involving former President Richard M. Nixon and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### REHABILITATION ACT AMENDMENTS OF 1974

Mr. PERKINS. Mr. Speaker, by direction of the Committee on Education and Labor, I call up the bill (H.R. 17503) to extend the authorizations of appropriations in the Rehabilitation Act of 1973 for 1 year, to transfer the Rehabilitation Service Administration to the Office of the Secretary of Health, Education, and Welfare, to make certain technical and clarifying amendments, and for other purposes; to amend the Randolph-Sheppard Act for the Blind; to strengthen the program authorized thereunder; and to provide for the convening of a White House Conference on Handicapped Individuals, and ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the distinguished gentleman will explain the

necessity for this extraordinary procedure.

Mr. PERKINS. Mr. Speaker, I would be delighted to explain to the gentleman. Mr. Speaker, H.R. 17503 is identical to H.R. 14225, the conference report for which was approved in the House on October 16 by a vote of 334 to 0. Subsequently, on October 29, the President vetoed this measure.

On November 20, the House overrode the Presidential veto by a vote of 398 to 7, and on November 21, the Senate also overrode the veto by a vote of 90 to 1.

Mr. Speaker, the administration has taken the position that the October 29 veto is a pocket veto. In other words, the administration at this point does not recognize the overwhelming action taken by the House and the Senate and the respective votes to override in each body.

If the Congress takes no further action, the resolution of this matter will have to take place in the courts.

I am confident, Mr. Speaker, that the Congress will prevail in the courts. At the same time, Mr. Speaker, we do not feel that handicapped Americans and the rehabilitation program should be subjected to what might be a very lengthy court proceeding. Moreover, we are advised that the President will allow a new measure identical to the one vetoed to become law.

For that reason we are bringing before the House today this identical measure.

I would point out to my colleagues that the Committee on Education and Labor met this morning and ordered this measure reported for House consideration. My colleagues should also know that the Senate is proceeding with an identical bill and is ready to act on a House-passed measure.

Mr. Speaker, the real reason for taking this speedy course of action is because of the necessity for State legislatures to know before January 1 the amount of money that is authorized and what they are entitled to so they can plan accordingly at the State level. Federal-State matching for the rehabilitation program is on an 80-20 basis. It is most important that we take this action today and I therefore strongly urge approval of this bill.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The Clerk read the bill, as follows:

H.R. 17503

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### TITLE I—AMENDMENTS TO THE REHABILITATION ACT OF 1973

##### SHORT TITLE

Sec. 100. This title shall be known as the "Rehabilitation Act Amendments of 1974".

##### REHABILITATION SERVICES ADMINISTRATION

Sec. 101. (a) Section 3(a) of the Rehabilitation Act of 1973 is amended to read as follows:

"(a) There is established in the Office of the Secretary a Rehabilitation Services Administration which shall be headed by a Commissioner (hereinafter in this Act referred to as the 'Commissioner') appointed by the President by and with the advice and consent of the Senate. Except for titles IV

and V and as otherwise specifically provided in this Act, such Administration shall be the principal agency, and the Commissioner shall be the principal officer, of such Department for carrying out this Act. In the performance of his functions, the Commissioner shall be directly responsible to the Secretary or to the Under Secretary or an appropriate Assistant Secretary of such Department, as designated by the Secretary. The functions of the Commissioner shall not be delegated by the Secretary. The functions of the Commissioner shall not be delegated to any officer not directly responsible, both with respect to program operation and administration, to the Commissioner".

(b) The amendment made by subsection (a) of this section shall be effective sixty days after the date of enactment of this Act.

#### EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL REHABILITATION SERVICES

Sec. 102. (a) Section 100(b) of such Act is amended by—

(1) striking out "and" after "1974," in paragraph (1) and inserting before the period at the end of such paragraph a comma and "and \$720,000,000 for the fiscal year ending June 30, 1976"; and

(2) striking out "and" after "1974," in the first sentence of paragraph (2) and inserting after "1975," in such sentence "and \$42,000,000 for the fiscal year ending June 30, 1976".

(b) Section 112(a) of such Act is amended by striking out "and" after "1974," and by inserting "and up to \$2,500,000 but no less than \$1,000,000 for the fiscal year ending June 30, 1976," after "1975".

(c) Section 121(b) of such Act is amended by striking out "1976" and inserting in lieu thereof "1977".

#### EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH AND TRAINING

Sec. 103. Section 201(a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence of paragraph (1) and inserting after "1975" in such sentence a comma and "and \$32,000,000 for the fiscal year ending June 30, 1976";

(2) striking out the comma after "20 per centum" in the second sentence of paragraph (1) and inserting after "respectively," in such sentence "and 25 per centum of the amounts appropriated in each succeeding fiscal year"; and

(3) striking out "there is authorized to be appropriated" in paragraph (2) and inserting after "1975" in such paragraph a comma and "and \$32,000,000 for the fiscal year ending June 30, 1976".

#### EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR GRANTS FOR CONSTRUCTION OF REHABILITATION FACILITIES

Sec. 104. Section 301(a) of such Act is amended by—

(1) striking out "and" after "1974," in the first sentence and inserting before the period at the end of such sentence a comma and "and June 30, 1976"; and

(2) striking out "1977" in the last sentence and inserting in lieu thereof "1978".

#### EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR VOCATIONAL TRAINING SERVICES FOR HANICAPPED INDIVIDUALS

Sec. 105. Section 302(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

#### EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SPECIAL PROJECTS AND DEMONSTRATIONS

Sec. 106. Section 394(a)(1) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and \$20,000,000 for the fiscal year ending June 30, 1976".

## EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

SEC. 107. Section 305(a) of such Act is amended by striking out "and" after "1974," and by inserting after "1975" a comma and "and June 30, 1976".

## EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR PROGRAM AND PROJECT EVALUATION

SEC. 108. Section 403 of such Act is amended by striking out "and" after "1974," and by inserting after "1975," the following: "and June 30, 1976".

## EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR SECRETARIAL RESPONSIBILITIES

SEC. 109. Section 405(d) of such Act is amended by inserting before the period a comma and "and \$600,000 for the fiscal year ending June 30, 1976".

## EXTENSION OF AUTHORIZATION OF APPROPRIATIONS FOR ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SEC. 110. Section 502(h) of such Act is amended by inserting before the period at the end thereof a comma and "and \$1,500,000 for the fiscal year ending June 30, 1976".

## MISCELLANEOUS AMENDMENTS

SEC. 111. (a) Section 7(6) of such Act is amended by adding at the end thereof the following new sentence: "For the purposes of titles IV and V of this Act, such term means any person who (A) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (B) has a record of such an impairment, or (C) is regarded as having an impairment".

(b) Section 101(a)(6) of such Act is amended by adding at the end thereof before the semicolon "(including a requirement that the State agency facilities in receipt of assistance under this title shall take affirmative action to employ and advance in employment qualified handicapped individuals covered under, and on the same terms and conditions as set forth in, section 503)".

(c) Section 101(a)(9)(C) of such Act is amended by adding at the end thereof before the semicolon "in such detail as required by the Secretary in order for him to analyze and evaluate annually the reasons for and numbers of such ineligibility determinations as part of his responsibilities under section 401, and that the State agency will at least annually categorize and analyze such reasons and numbers and report this information to the Secretary and will not later than twelve months after each such determination, review each such ineligibility determination in accordance with the criteria set forth in section 102".

(d) Section 101(a)(15) of such Act is amended by inserting after "facilities" at the end of the parenthetical "and review of the efficacy of the criteria employed with respect to ineligibility determinations described in subclause (C) of clause (8) of this subsection".

(e) Section 102 of such Act is amended by—

(1) inserting in subsection (a) after "program" where it first appears in the first sentence a comma and "or the specification of reasons for a determination of ineligibility prior to initiation of such program based on preliminary diagnosis," and inserting at the end of the second sentence of such subsection before the period a comma and "and, as appropriate, such specification of reasons for such an ineligibility determination shall set forth the rights and remedies, including recourse to the process set forth in subsection (b)(5) of this section, available to the individual in question";

(2) striking out in subsection (c) all of clause (1) from "in" the first time it appears through "primary" and inserting in lieu

thereof "in making any determination of ineligibility referred to in subsection (a) of this section, or in developing and carrying out the individualized written rehabilitation program required by section 101 in the case of each handicapped individual";

(3) striking out in clause (2) of subsection (c) "program, that the evaluation of rehabilitation potential" and inserting in lieu thereof "program, or as a part of the specification of reasons for an ineligibility determination, as appropriate, that the preliminary diagnosis or evaluation of rehabilitation potential, as appropriate"; and

(4) inserting in clause (3) of subsection (c) a comma and "as an amendment to such written program," after "decision".

(f) Section 112(a) is amended by—

(1) striking out "an amount equal to the amount obligated for expenditure for carrying out such projects and demonstrations for appropriations under the Vocational Rehabilitation Act in the fiscal year ending June 30, 1973," and inserting in lieu thereof "\$11,860,000"; and

(2) adding at the end thereof a new sentence as follows: "In the event that funds so appropriated under section 304 do not exceed \$11,860,000 in any fiscal year, the Secretary is authorized to utilize such funds to carry out this section".

(g) Section 180(b) of such Act is amended by striking out "February 1, 1975" and inserting in lieu thereof "June 30, 1975".

(h) Section 202(a) of such Act is amended by striking out "and analyses" in the penultimate clause and inserting in lieu thereof a comma and "analyses, and demonstrations".

(i) Section 304(b) of such Act is amended by—

(1) striking out "and" before "(2)" in the first sentence, and inserting at the end of such sentence before the period a comma and "and (3) for operating programs (including renovation and construction of facilities, where appropriate) to demonstrate methods of making recreational activities fully accessible to handicapped individuals"; and

(2) striking out "for" the third time it appears in the parenthetical in clause (2) in the first sentence and inserting in lieu thereof "or".

(j) Section 304(c) of such Act is amended by inserting after "Labor," in the first sentence "who".

(k) Section 304(e)(1) of such Act is amended by inserting after "(B)" the following: "with the concurrence of the Board established by section 502".

(l) (1) Section 306(b) of such Act is amended by inserting after "project" a comma and "or for a project which involves construction".

(2) Section 306(b)(4) of such Act is amended by inserting after "specifications" the following: "which have been approved by the Board established by section 502".

(m) Section 405(c) of such Act is amended by—

(1) striking out "the Handicapped" and inserting in lieu thereof "Handicapped Individuals"; and

(2) by adding at the end thereof the following new sentence: "In no event shall any functions under this section be further delegated to any persons with operational responsibilities for carrying out functions authorized under any other section of this Act or under any other provision of law designed to benefit handicapped individuals."

(n) (1) Section 502(a) of such Act is amended by redesignating clauses (6), (7), and (8) thereof as clauses (7), (8), and (9), respectively, and by inserting immediately after clause (5) the following new clause:

"(6) Department of Defense;".

(2) Section 502(a) of such Act is further amended by adding at the end thereof the following new sentence: "The Secretary of Health, Education, and Welfare shall be the

Chairman of the Board and the Board shall appoint, upon recommendation of the Secretary, a Consumer Advisory Panel, a majority of the members of which shall be handicapped individuals, to provide guidance, advice and recommendations to the Board in carrying out its functions".

(o) (1) Section 502(d) of such Act is amended by striking out "section, the Board" in the first sentence and inserting in lieu thereof "Act, the Board shall, directly or through grants to or contracts with public or private nonprofit organizations, carry out its functions under subsections (b) and (c) of this section, and".

(2) Section 502(d) of such Act is further amended by adding at the end thereof the following new sentences: "Any such order affecting any Federal department, agency, or instrumentality of the United States shall be final and binding on such department, agency, or instrumentality. An order of compliance may include the withholding or suspension of Federal funds with respect to any building found not to be in compliance with standards prescribed pursuant to the Acts cited in subsection (b) of this section".

(p) Section 502(e) of such Act is amended by adding before the first sentence the following new first sentence: "There shall be appointed by the Board an executive director and such other professional and clerical personnel as are necessary to carry out its functions under this Act".

(q) Section 502(g) of such Act is amended by striking out the penultimate sentence "prior to January 1" and inserting in lieu thereof "not later than September 30".

## TITLE II—RANDOLPH-SHEPPARD ACT AMENDMENTS

## SHORT TITLE

SEC. 200. This title may be cited as the "Randolph-Sheppard Act Amendments of 1974".

## FINDINGS

SEC. 201. The Congress finds—

(1) after review of the operation of the blind vending stand program authorized under the Randolph-Sheppard Act of June 20, 1936, that the program has not developed, and has not been sustained, in the manner and spirit in which the Congress intended at the time of its enactment, and that, in fact, the growth of the program has been inhibited by a number of external forces;

(2) that the potential exists for doubling the number of blind operators on Federal and other property under the Randolph-Sheppard program within the next five years, provided the obstacles to growth are removed, that legislative and administrative means exist to remove such obstacles, and that Congress should adopt legislation to that end; and

(3) that at a minimum the following actions must be taken to insure the continued vitality and expansion of the Randolph-Sheppard program—

(A) establish uniformity of treatment of blind vendors by all Federal departments, agencies, and instrumentalities;

(B) establish guidelines for the operation of the program by State licensing agencies;

(C) require coordination among the several entities with responsibility for the program;

(D) establish a priority for vending facilities operated by blind vendors on Federal property;

(E) establish administrative and judicial procedures under which fair treatment of blind vendors, State licensing agencies, and the Federal Government is assured.

(F) require stronger administration and oversight functions in the Federal office carrying out the program, and

(G) accomplish other legislative and administrative objectives which will permit the Randolph-Sheppard program to flourish.